

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. When the Department calculated the petitioner's eligibility for VHAP benefits the family's earned income was subjected to a \$90.00 per month disregard for a countable income total of \$3,095.50. The petitioner was notified that

she was ineligible for VHAP because her family's income was in excess of the maximum of \$2,722 for a household of four.¹

3. The petitioner does not dispute any of the figures used by the Department. At the hearing in this matter, held on July 5, 2001, the petitioner was advised that she is categorically eligible for Medicaid and that she should check with the Department to determine whether she incurs medical expenses in excess of the spenddown amount that she is over income for that program.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income from wages and all unearned income are included as countable income for eligibility. W.A.M. § 4001.81(c). The only deduction for which the petitioner is eligible is a standard employment expenses deduction of \$90.00 per month. W.A.M. 4001.81(e).

¹ It appears that the Department erroneously failed to take into consideration the fact that one of the petitioner's children no longer lives in the household. However, the income maximum for a family of three is even lower (\$2,256), and it does not appear that this error affects the ultimate decision in the case regarding eligibility for VHAP. The child who lives with the petitioner was found eligible for Dr. Dynasaur medical benefits.

There are no deductions for medical expenses in the VHAP program. (As noted above, medical expenses can be considered in determining eligibility for Medicaid, and the petitioner has been advised to pursue her potential eligibility for that program with the Department.)

The Department is correct that the petitioner has countable income of \$3,095.50 per month. The maximum for eligibility under the VHAP program for a four-person household is \$2,722 per month.² P-2420 B (8). If the petitioner and her husband have income above that figure, they cannot be found eligible for VHAP. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the Board is bound by law to affirm it. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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² See Footnote 1, supra.